



ITW/8

Docket No.: SHO-0028
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Takashi NOZAKI et al.

Confirmation No.: 8248

Application No.: 10/697,006

Art Unit: 3713

Filed: October 31, 2003

Examiner: Not Yet Assigned

For: GAMING MACHINE

**PETITION UNDER 37 C.F.R. §1.47 TO ACCEPT DECLARATION WHEN INVENTOR
REFUSES TO JOIN IN APPLICATION**

MS Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Petition requests that the Declaration of Takashi Nozaki and Tomokazu Nakata be accepted, and that the application may be made by inventor, Takashi Nozaki, on behalf of himself and the omitted inventor, Tomokazu Nakata.

A Declaration listing two inventors thereon is provided herewith. While inventor, Takashi Nozaki, has executed the Declaration, the second inventor, Tomokazu Nakata, has refused to join in the above-identified application.

If a joint inventor refuses to join in an application for patent or cannot be found or reached after diligent effort, the application may be made by the other inventor on behalf of himself and the omitted inventor. 35 U.S.C. §116. The oath or declaration in such an application must be accompanied by a Petition including proof of the pertinent facts, the fee set forth in §1.17(h), and the last known address of the nonsigning inventor. 37 C.F.R. §1.47(a).

10/07/2004 ZJUHR1 00000101 180013 10697006
01 FC:1460 130.00 DA

Petition including proof of the pertinent facts

The invention of the above-identified application was jointly created by Takashi Nozaki and Mr. Tomokazu Nakata while Mr. Nakata was employed by ARUZE Corp. ("ARUZE") and under written contract to assign any and all inventions developed in connection with that employment to ARUZE.

As noted hereinabove, a Declaration listing two inventors thereon is provided along with this Petition. It has been established that an oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the available joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated. M.P.E.P. §409.03(a). In this regard, inventor, Takashi Nozaki, has executed the Declaration while the signature block of the nonsigning inventor, Tomokazu Nakata, is left blank.

Also provided along with this Petition is a Declaration under 37 C.F.R. § 1.132 executed by Mr. Nobuo Yaegashi, Assistant General Manager of the Patent Department for ARUZE, that submits proof of the diligent effort undertaken by ARUZE in seeking the execution by Mr. Nakata of the Declaration, and that the nonsigning inventor cannot be found or reached after diligent effort or refuses to execute the application papers.

Fee set forth in §1.17(h)

Please charge Deposit Account No. 18-0013 in the amount of \$130.00 in payment of the Petition fee for other than a small entity.

Last known address of the nonsigning inventor

The last known address of the nonsigning inventor, Tomokazu Nakata, is 7-42-7-301, Nishikamata, Ota-ku, Tokyo 144-0051 JAPAN.

Conclusion

Upon this petition and in view of the evidence submitted, it is requested that the Declaration of Takashi Nozaki and Tomokazu Nakata be accepted, and that the application may be made by inventor, Takashi Nozaki, on behalf of himself and the omitted inventor, Tomokazu Nakata

If any fee is required or any overpayment made, the Commissioner is hereby authorized to charge the fee or credit the overpayment to Deposit Account # 18-0013.

Dated: October 6, 2004

Respectfully submitted,

By  

Brian K. Dutton

Registration No.: 47,255

RADER, FISHMAN & GRAUER PLLC

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Attorney for Applicant



Docket No.: SHO-0028
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Takashi Nozaki et al.

Application No.: 10/697,006

Confirmation No.: 8248

Filed: October 31, 2003

Art Unit: N/A

For: GAMING MACHINE

Examiner: Not Yet Assigned

DECLARATION UNDER 37 C.F.R. § 1.132

MS Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The undersigned hereby declares that:

1. I am Assistant General Manager of Patent Department of ARUZE Corp. who is responsible for handling intellectual property, specifically patent, matters and is authorized representative of ARUZE Corp., assignee of above-identified application, to execute this Declaration. I am also designated to manage the above-identified patent application by ARUZE Corp.

2. In connection with my responsibilities with regard to the above-identified patent application, we contacted Mr. Tomokazu NAKATA, one of the joint

inventors of the subject matter disclosed and claimed in the above-identified patent application, to request his execution of a declaration as required by 37 C.F.R. § 1.63.

3. Mr. Nakata refused to cooperate and to join in making the above-identified patent application.

4. We mailed a Declaration and Power of Attorney and Assignment documents to Mr. Nakata on April 7, 2004, to have him execute the documents at his last known address of 7-42-7-301, Nishikamata, Ota-ku, Tokyo 144-0051 Japan. A copy of the letter sent and its translation of the relevant part are attached hereto as Appendix A.

5. Mr. Nakata called us on April 13, 2004 and stated that he was not certain for execution and needed time for consideration.

6. We mailed a Japanese translation of the Declaration and Power of Attorney to his last known address for reference and requested Mr. Nakata to execute the documents again on April 13, 2004. The letter dated April 13, 2004 and its translation of the relevant part are attached hereto as Appendix B. We received no further communication from Mr. Nakada.

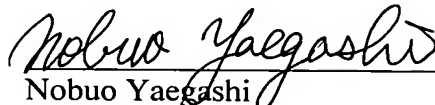
7. We again mailed a letter to Mr. Nakata's last know address to have the documents executed and returned to us anyway upon his execution or without his execution on May 28, 2004. A copy of the letter dated May 28, 2004 and its translation

of the relevant part are attached hereto as Appendix C. However, we have heard nothing from Mr. Nakata thereafter.

8. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

wherefore, I hereby subscribe my name to the foregoing Declaration.

September 29, 2004
Date


Nobuo Yaegashi
Assistant General Manager of
Patent Department
ARUZE Corp.

DC162117



Attorney's Docket No. SHO-0028

APPENDIX A

Serial Number: 10/679,006

Applicants: ARUZE CORP.

Title: GAMING MACHINE

Rader, Fishman & Grauer PLLC

Translation of Letter to Mr. Tomokazu Nakata dated April 7, 2004

...

We have completed applications for patents in the U.S. (application date: October 31, 2003) . . . based on Japanese patent application Nos. 2002-335610 and 2003-334705. Based on the applications, Mr. Nakada's execution to (1) U.S. application declaration and power of attorney, (2) U.S. assignment and (3) . . . became necessary.

Accordingly, it would be appreciated if you could execute the documents enclosed (at 6 places) and return them by April 21, 2003 (Wednesday).

...

アルゼ株式会社
〒135-0035 東京都江東区有明 3-1-25
有明フロンティアビル A棟
TEL: 03-5530-3055 FAX: 03-5530-3081

送 付 書

中田 智数 様

2004 年 4 月 7 日 (水)

TEL: 03-5530-3055

FAX: 03-5530-3081

特許部

担当: 茶園佳代

海外責任者: 川瀬光平

総括責任者: 八重樫信夫



拝啓 時下ますますご清栄のこととお喜び申し上げます。

さて、下記の件につきましてお取り扱い下さいます様お願い申し上げます。

敬具

件 名 : 署名の件

標記件に関しまして、中田様が発明者である日本特許出願 2002-335610 号、2002-334705 号に基づいて、各々米国（出願日：2003 年 10 月 31 日）、欧州、オーストラリア及び南アフリカ（出願日：2004 年 3 月 1 日）へ特許出願を行いました。当該出願に伴い、①米国用宣誓書兼委任状、②米国用譲渡証、及び③南ア用譲渡証に中田様の署名が必要となりました。

つきましては、突然のことで誠に恐れ入りますが、2004 年 4 月 21 日(水)までに同封の書類に署名（6 箇所）をしてご返送して戴きたく、宜しくお願い申し上げます。

なお、ご本意にそぐわない場合でも、誠にご面倒をお掛け致しますが、下記 1～4 の書類をご返送して戴きたく宜しくお願い致します。

ご不明な点などございましたら、何時でもご連絡下さい。

アルゼ株式会社
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有明フロンティアビル A棟
TEL : 03-5530-3055 FAX : 03-5530-3081

同封書類：	1. 米国用宣誓書兼委任状	2通
	2. 米国用譲渡証	2通
	3. 南ア用譲渡証	2通
	4. 基礎日本特許出願書類	2通
	5. 返信用封筒	1通

以上

APPENDIX B

Serial Number: 10/679,006

Applicants: ARUZE CORP.

Title: GAMING MACHINE

Rader, Fishman & Grauer PLLC

Translation of Letter to Mr. Tomokazu Nakata dated April 13, 2004

Thank you for your phone call today even though you are in busy schedule.

(1) We apologize for the error in your name on Japanese patent application Nos. 2002-335610 and 2003-334705. We report to you that other applications claiming priority based on these two applications have been filed and the later filed applications contain correct name of yours.

...

(2) We have translation of U.S. Declaration and Power of Attorney, which is enclosed herein for your reference. ...

Accordingly, it would be appreciated your cooperation. If you have any questions, please let us know at any time.

...

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送 付 書

中田 智数 様

2004年4月13日(火)

TEL: 03-5530-3055

FAX: 03-5530-3081

特許部

担当: 茶園佳代

海外責任者: 川瀬光平

総括責任者: 八重樫信夫



拝啓 時下ますますご清栄のこととお喜び申し上げます。
さて、下記の件につきましてお取り計らい下さいます様お願い申し上げます。

敬具

件 名 : 氏名訂正等の件

本日はお忙しいところお電話戴きありがとうございました。

(1) 標記件に関しまして、中田様が発明者である日本特許出願 2002-335610 号、2002-334705 号の発明者氏名の表記が間違っていましたこと誠に申し訳ございませんでした。

上記2件につきましては、添付の願書の通り、国内優先権主張出願がなされており、そのときに中田様の名前の誤記は訂正されておりましたことをご報告申し上げます。

なお、国内優先権主張出願とは、先の出願(この場合 2002-335610 号、2002-334705 号)に基づいて、先の出願の内容を補充したり訂正したりすることができる出願のことです。今回は内容の変更はございませんでした。また、先の出願は取り下げられますので、誤記が公開されることはありません。

(2) 米国用宣誓書兼委任状に関しまして、日本語訳がございますので、ご参考にして下さい。

なお、残念ながら、米国用譲渡証及び南ア用譲渡証に関しましては、日本語訳がございません。お手数をお掛け致しまして申し訳ございません。

お忙しいところ誠に恐れ入りますが、何卒宜しく願い申し上げます。

ご不明な点などございましたら、何時でもご連絡下さい。

同封書類:	1. 国内優先権主張出願願書	2通
	2. 米国用宣誓書兼委任状参考	1通

} 返送不要です

以上



Attorney's Docket No. SHO-0028

APPENDIX C

Serial Number: 10/679,006

Applicants: ARUZE CORP.

Title: GAMING MACHINE

Rader, Fishman & Grauer PLLC

Translation of Letter to Mr. Tomokazu Nakata dated May 28, 2004

...

We are wondering whether you have reviewed and executed the (1) Declaration and Power of Attorney for U.S. applications, (2) Assignment for U.S. applications and (3) . . . It would be appreciated if you would send them back to us if you would not accept the documents by June 11, 2004.

...

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送 付 書

中田 智数 様

2004 年 5 月 28 日 (金)

TEL : 03-5530-3055

FAX : 03-5530-3081

特許部

担当 : 茶園佳代

海外責任者 : 川瀬光平

総括責任者 : 八重樫信夫



拝啓 時下ますますご清栄のこととお喜び申し上げます。
さて、下記の件につきましてお取り計らい下さいます様お願い申し上げます。

敬具

件 名 : 署名の件

標記件に関しまして、2004 年 4 月 7 日、13 日付弊社書簡にてお願い致しております、①米国用宣誓書
兼委任状、②米国用譲渡証、及び③南ア用譲渡証への署名ですが、その後ご検討の程いかがでしょうか？

お忙しいところお手数をお掛け致しまして申し訳ございませんが、何卒宜しくお願い申し上げます。

また、ご本意にそぐわない場合には、誠にご面倒をお掛け致しますが、上記日付書簡にて同封の書類を
2004 年 6 月 11 日 (金) までにご返送して下さいますようお願い申し上げます。

なお、本状と入れ違いに、弊社宛書簡をご送付戴いておりましたら、お詫び申し上げます。

ご不明な点などございましたら、何時でもご連絡下さい。

以上